HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 5958 of 2005

Petitioners

1. Shri N. Subbarao, aged 52 years S/o N.A. Shastri Q.No. A-52
2. R. Visheshar aged 60 years S/o R.R. Narayan Qr.No. A-54
3. Sitaram aged 61 years widow of V.Vishwanatham A-53
   (A) V. Hemchanddraarao (S.no. a to d) sons of Vishwanath
   (B) V. Vasudeorao resident of 9 of Q.No.53, kendriya,
   (C) V. Udaibhan, Karmachari Nagar, Sikolabhata, Durg
   (D) V.G. Giri
4. P.L. Jaiswal S/o S.P.Jaisawal, Q.No. A-72
5. M. Bhanumurti S/o Satyanarayana aged 63 years Q.No. A-69
6. 1. Smt. S. Laxmi Widow of S.G.Rao
   2. S.V.R. Murti S/o S.G.Rao
   3. Smt. Y. Parvati W/o Shri Nivas, Resident of Q.No. A-77
7. V.V. Shastry S/o V.Suryanarayan Q.No. A-C-28
8. K. Kameshwari W/o M.S.Sharma, Q.No. A-91
9. S. Seturaman S/o Subramanium
10. R.C.Chourey S/o Chandraji Chourey Q.No.B-29
11. Bhojraj Balchand Bagde S/o Balchand Bagde, Q.No.B-1
12. R. Hariharan S/o Ramaswami, Q.No.A-81
13. V.K.Mukherjee, S/o B.B.Mukherjee, Q.No.A-83
14. C.H.Hanumantrao S/o Suryanarayan Q.No.A-65
15. K.V.R.J.Rao, S/o K. Gopalam
16. M.Y.Borekar S/o Yamaji Borekar Q.No.A-88
17. G.Satyarao S/o Ramarai, Q.No.B-36
18. Anil Banjari S/o Baburao Banjari Q.No.55
19. D.M.Gajbhiye S/o Mahadeo Rao Q.No.B-6
20. R.M.Khobragade S/o Nagarao Khobragade Q.No.A-17
21. S. Dandasi Q.No.C-10
22. T.L. Padumkar S/o L.K. Padumkar Q.No. B-18
23. S.S.Thakur S/o U.S.Thakur Q.No.B-19
24. N.K. Sukhdeo S/o C. Sukhdeo Q.No.A-9
25. P. Jogarao Q.No.B-13
26. P.S.Thakur S/o D.S.Thakur Q.No.B-99
27. A.D.Ninave S/o D.P.Ninave Q.No.A-16
28. Majhar Ali S/o Jafar Ali Q.No.A-60
29. M.S.Yadava S/o G.R.Yadava, Q.No.B-21
30. Rajni Bai Widow of Late Shri P.S. Tahkur,

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(A) Rameshwar Singh S.No. (A) to (D) L.Rs. of Shri P.S. Thakur
(B) Vijaya Bhushan
(C) Yashwant Singh
(D) Ku. Nisha Thakur

31. S.M. Ali S/o Akbar Ali Q.No.C-17
32. Pritam Singh S/o Hakim Singh Q.No.A-95
33. D.R. Sahu S/o Manaram Sahu Q.No.B-48
34. R.N.Das S/o Chandrasekhar das Q.No.B-48
35. K.K.Thakur S/o R.S. Thakur, Q.No.B-15
36. D.K. Mitra S/o B.S. Mitra Q.No.A-76
37. M.L.Gupta S/o B.L. Gupta Q.No.A-36
38. M.Z.Thakur S/o Jhingaru Q.No.A-11
39. C.U.Khaparde S/o Urkuda Q.No.C-1
40. A. Shri Ramlu S/o Endhhanna Q.No.C-40
41. H.C. Yadava S/o Millan Yadava, Q.No.B-24
42. C.H. Murty S/o C.H. Kankam Q.No.A-6
43. N.S. Sonak S/o Sukhlal Sonak Q.No.C-6

All major resident of kendriya karamchari Nagar, Sikola, Durg.

Versus

Respondents

1. President, Kendriya Karamchari Griha Nirman Sahakari Samiti Maryadit, Sikola, Durg (C.G.).

2. Shri A. P. Nandagawali,

3. Shri Achyut Rao,

S.No.2 & 3, the then Directors, Kendriya Karamchari Griha Nirman Sahakari Samiti Maryadit, Sikola, Durg (C.G.).

4. Shri P.R. Naik, Additional Registrar, Co-operative Societies, Raipur (C.G.)

Single Bench : Hon'ble Mr. Justice **S. R. Nayak, C.J.**

Mr. Ajay Shrivastava, Advocate for the petitioners.

Mrs. Renu Kocher, Advocate for the Respondent No.1.

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ORAL ORDER

(9th December, 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. This writ petition is preferred seeking intervention of the Court mainly on the ground that the Additional Registrar of the Cooperative Society to whom the contesting private respondents have preferred an appeal against the order of the Joint Registrar is not a competent authority to entertain appeal. The contention is not well founded. Sub-clause (ii) of sub-section (1) of Section 77 of the Chhattisgarh Cooperative Societies Act, 1960 provides that an appeal shall lie from every original order passed under the Act or the Rules made thereunder, if such order is passed by Joint Registrar, whether or not invested with the powers of Registrar, to the Registrar or the Additional Registrar authorized by Registrar. It is not the case of the petitioner that the Additional Registrar was not authorized by the Registrar to entertain the appeal preferred against the order of the Joint Registrar of the Cooperative Society. In that view of the matter, the ground urged before me is merit-less. Though certain other grounds are urged in support of the petition, there is no need for this Court to undertake the review of those grounds because of the pendency of the appeal. Firstly, the event the petitioner can urge other grounds before the appellate authority. Secondly, if the order of the appellate authority goes against the petitioner, he can urge those grounds while assailing the said order before the appropriate forum. That liberty is reserved to the petitioner. The writ petition is therefore dismissed. No costs.

Sd/-
Chief Justice